

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,) CR 11-12-BU-DWM
)
 Plaintiff,)
)
)
vs.) ORDER
)
)
FRANK WAYNE CAMPBELL,)
)
)
 Defendant.)
)

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 9, 2011. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d

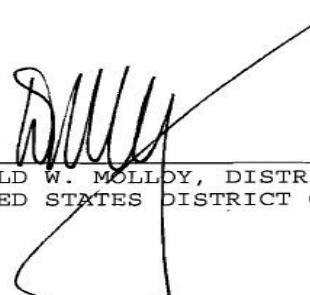
422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Frank Wayne Campbell's guilty plea after Campbell appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of arson affecting interstate commerce in violation of 18 U.S.C. § 844(i) (Count I), and with one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (Count III), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Count II of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt # 22), and I adopt them in full, including the recommendation to defer acceptance of the plea until sentencing when the Court will have reviewed the Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Frank Wayne Campbell's motion to change plea (dkt # 15) is GRANTED.

DATED this 30th day of August, 2011.


DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT